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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 EASTERN DIVISION

11
12 THE TORO COMPANY, a Delaware
13 corporation,

14 Plaintiff,

15 vs.

16 ABR ENTERPRISES, INC., a New
17 York corporation,

18 Defendants.

19 AND RELATED
20 COUNTERCLAIMS.

Case No. 5:14-CV-00705 JGB(SPx)
Hon. Jesus G. Bernal

**[PROPOSED] ORDER GRANTING
CONSENT JUDGMENT, FINAL
ORDER, AND PERMANENT
INJUNCTION**

21 Pursuant to the stipulation fo the parties and GOOD CAUSE appearing, the
22 Court finds that it has jurisdiction over the subject matter in this dispute and over
23 Plaintiff Toro and Defendant ABR. Toro and ABR admit those allegations of the
24 Complaint necessary for the Court to find jurisdiction, venue, factual basis, and
25 legal basis for entry of this Consent Judgment, Final Order, and Permanent
26 Injunction and for the enforceability of this Consent Judgment, Final Order, and
27 Permanent Injunction.
28

**[PROPOSED] ORDER GRANTING CONSENT JUDGMENT,
FINAL ORDER, AND PERMANENT INJUNCTION**

1 **PLAINTIFF AND ITS PATENT RIGHTS**

2 Toro represents that it is the assignee of and owns all right, title, and interest
3 in the issued U.S. Patent Nos. D563,588; D519,662; and 6,981,679 (the “Toro
4 Patents”). The Toro Patents are valid and enforceable in all respects.

5 **DEFENDANT’S ACTS**

6 ABR has imported, used, sold and/or offered for sale the following products
7 that Toro has accused of infringing the Toro Patents: El Greco (“El Greco”),
8 Pontormo (“Old Pontormo”) and Base-C (“Base-C”) (all three such products, the
9 “Accused Products”), photos of which are included in the Complaint.

10 Toro, through its attorneys, filed the Complaint on April 10, 2014 against
11 ABR alleging that the Accused Products infringe the Toro Patents.

12 ABR, through its attorneys, filed an Answer and Counterclaim on August
13 27, 2014 against Toro denying infringement or any wrongdoing and alleging that
14 the Toro Patents are invalid.

15 Pursuant to the further stipulation of the parties, and further GOOD CAUSE
16 appearing, it is therefore ORDERED and ADJUDGED that, effective May 1, 2015,
17 and continuing thereafter uninterrupted until the corresponding expirations of the
18 Toro Patents or until such time that a court finds the Toro Patents to be invalid
19 and/or unenforceable after all appeals are exhausted:

20 (A) Defendant ABR, its officers, directors, principals, agents, employees,
21 successors and assigns, having notice of this Order are enjoined and restrained
22 from (i) making, using, selling, offering for sale or importing into the U.S., and (ii)
23 knowingly permitting others to make, use, sell, offer for sale or import into the
24 U.S., the Old Pontormo and Base-C products.

25 (B) Defendant ABR, its officers, directors, principals, agents, employees,
26 successors and assigns, having notice of this Order are responsible for compliance
27 with the injunction set forth in paragraph (A).

28


1 (C) This consent judgment cannot be used in any way against ABR, its
2 officers, directors, principals, agents, employees, successors and assigns in any
3 future dispute concerning products other than Old Pontormo and Base-C between
4 Toro and ABR.

5 (D) Plaintiff Toro, its officers, directors, principals, agents, employees,
6 successors and assigns, having notice of this Order are enjoined and restrained
7 from asserting any claim of patent infringement or unfair competition against
8 defendant ABR, or any of its owners, directors, officers, employees or
9 representatives, with respect to defendant's products described in the Covenant Not
10 to Sue contained in the parties' Settlement Agreement, dated April 9, 2015.

11 (E) Plaintiff Toro, its officers, directors, principals, agents, employees,
12 successors and assigns, having notice of this Order are responsible for compliance
13 with the injunction set forth in paragraph (D).

14
15 **IT IS SO ORDERED.**

16
17 Dated: April 20, 2015



Honorable Jesus G. Bernal
United States District Court Judge